

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

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CURVES INTERNATIONAL, INC.,	:
a Texas corporation,	:
	:
Plaintiff,	:
	:
v.	: C.A. No.07-CV-6404 (CLB)
	:
STEPHANIE O'CALLAGHAN,	:
a Resident of New York,	:
	:
Defendant.	:
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PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

Plaintiff Curves International, Inc. ("Curves") respectfully moves the Court for an Order granting it a preliminary injunction against Defendant Stephanie O'Callaghan to prevent Defendant from operating a business that competes with Curves and its franchisees in violation of a covenant against competition agreed upon by the parties. Curves also asks this Court to enjoin Defendant from her continued unauthorized use of Curves' proprietary marks. Curves further asks this Court to require Defendant to comply with the remainder of her post-termination obligations, including but not limited to the obligation to refrain from using Curves' signs, equipment, and other materials to compete unlawfully against Curves.

Defendant is a former CURVES® franchisee. Curves was forced to terminate Defendant's franchise rights effective January 22, 2007, due to Defendant's repeated failure to pay delinquent royalty and advertising fees in violation of the Franchise Agreement while continuing to use the CURVES® Marks to sell fitness services to the public.

A preliminary injunction is warranted in this dispute because Curves is likely to succeed on the merits and would suffer irreparable harm if injunctive relief is not granted. Furthermore,

the balance of harms tips decisively in Curves' favor and the public interest favors the relief Curves seeks.

In support of this Motion, Curves relies on the accompanying Memorandum in Support and exhibits, which are hereby incorporated by reference.

Respectfully submitted,

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